

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MAURICE DALTON,
Plaintiff,

v.

SERGEANT PAUL ESTES, *et al.*,
Defendants.

Case No. C05-5820RJB

ORDER DENYING PLAINTIFF'S
MOTION TO STAY THIS ACTION

This Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). Plaintiff asks to stay this action because he is incarcerated and he claims he has an outstanding motion for appointment of counsel. (Dkt. # 32).

Plaintiff is in error concerning any outstanding motions. There was a motion for appointment of counsel combined with the original complaint. (Dkt # 5). That motion was denied March 22nd, 2006. (Dkt # 8). All other non-dispositive outstanding motions were denied in the Report and Recommendation that recommended granting the State of Washington's motion to dismiss. (Dkt. # 29).

Plaintiff argues he is incarcerated and cannot schedule or attend depositions. If plaintiff is unable to attend or schedule depositions he needs to explore other avenues of conducting discovery.

ORDER

1 These other avenues may include, deposition on written questions by agreement of the parties,
2 interrogatories, or requests for admission. The motion to stay the action is **DENIED**.

3 The Clerk is directed to send a copy of this Order to plaintiff and counsel for defendants.
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5 DATED this 1st day of September, 2006.
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7 /S/ J. Kelley Arnold

8 J. Kelley Arnold

9 United States Magistrate Judge
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ORDER